

**Food Safety Administration Act of 2022**  
Senator Durbin (D-IL) and Congresswoman DeLauro (D-CT)

**Background**

The Food and Drug Administration (FDA) regulates approximately 80 percent of our food supply, and consumers and industry depend on the FDA food program to perform its regulatory role effectively. Foodborne illness is a common and costly, yet largely preventable, public health problem. About one in six Americans—or 48 million people—get sick from one of 31 pathogens known to cause foodborne illness each year. According to the Centers for Disease Control and Prevention (CDC), 128,000 Americans are hospitalized each year and 3,000 Americans die of foodborne diseases. This costs the United States more than \$15.6 billion each year.

It is becoming increasingly clear that public confidence in the ability of FDA to adequately protect our food supply is diminishing. Between inadequate responses to recalls, a failure to implement a culture of outbreak prevention, and proposed rules and initiatives that languish for years, the FDA's food program has struggled in its role in protecting consumers and is inhibiting the ability of the food industry to operate effectively.

A common refrain in food policy is that the "F" in FDA is silent, and a significant reason for this is the lack of a single, full-time, fully empowered expert leader of all aspects of the FDA food program. This has resulted in serious problems within the program related to organizational structure, governance, and performance.

**Issue**

In recent decades, most FDA commissioners have been medical specialists who naturally focus on the agency's drug and medical device programs. This leadership focus is justified considering the significant impact these programs have on public health. However, in the competition for commissioner time and support, the food program has second-class status within FDA and we have not had sufficient strategic leadership and management accountability for the programs that regulate our food supply.

The lack of a single, full-time expert leader affects all aspects of FDA's food program. Perhaps the most significant impact is delayed implementation of the *Food Safety Modernization Act* (FSMA) and the New Era of Smarter Food Safety blueprint. These key initiatives depend on all FDA food program units—the Center for Food Safety and Applied Nutrition (CFSAN), Center for Veterinary Medicine (CVM), and the Office of Regulatory Affairs (ORA)—working together with state partners and with a common strategic direction, clear priorities, adequate resource management, and internal accountability.

**The Food Safety Administration Act**

The *Food Safety Administration Act*, bicameral legislation introduced by Senator Dick Durbin (D-IL) and Congresswoman Rosa DeLauro (D-CT-03) would establish the Food Safety Administration under the Department of Health and Human Services (HHS) by incorporating the existing food programs within FDA (CFSAN, CVM and ORA food functions) into this separate agency. This agency would be led by a food safety expert confirmed by the Senate. In addition to bringing focused leadership and more accountability, a unified structure and a full-time senior leader will strengthen oversight of the food supply and enhance the industry's ability to operate effectively.

**Supporting Organizations:** Center for Food Safety, Consumer Reports, Consumer Federation of America, Defend Our Health, Environmental Working Group, Friends of the Earth, Healthy Babies Bright Futures, STOP Foodborne Illness, Center for Environmental Health